

FILED

OCT 26 2022

U.S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 4:22CR596-SEP/PLC
)	
ASIA MCNEAL,)	
)	
Defendant.)	

INDICTMENT

The Grand Jury charges that:

INTRODUCTION

1. The United States Small Business Administration (hereinafter “SBA”) is an executive-branch agency of the United States government that provides support to entrepreneurs and small businesses. The mission of the SBA is to maintain and strengthen the nation’s economy by enabling the establishment and viability of small businesses and by assisting in economic recovery after disasters.
2. To aid this effort, the SBA enabled and provided for loans through banks, credit unions, and other lenders. These loans have government-backed guarantees.
3. The Coronavirus Aid, Relief, and Economic Security (hereinafter “CARES”) Act is a federal law that was enacted in March 2020 to provide emergency financial assistance to the millions of Americans suffering the economic impact caused by the COVID-19 pandemic. One source of relief provided for in the CARES Act is the authorization of forgivable loans to small businesses for job retention and certain other expenses, through the Paycheck Protection Program (hereinafter “PPP”).

4. To obtain a PPP loan, a qualifying business is required to submit a PPP loan application, signed by an authorized representative of the business. The PPP loan application requires the business to acknowledge the program rules and make certain affirmative certifications in order to obtain the PPP loan. In the PPP loan application (SBA Form 2483), the small business (through its authorized representative) is required to certify: (a) that the small business was in operation on February 15, 2020; (b) average monthly payroll expenses; and (c) number of employees. These certifications are used to calculate the amount of money the small business is eligible to receive under the PPP. In addition, businesses applying for PPP loans are required to submit documentation supporting their payroll expenses.

5. A PPP loan application is then processed by a participating lender. If a PPP loan application is approved, the participating lender funds the loan using its own monies, which are then guaranteed by the SBA.

6. PPP loan funds are required to be used on certain permissible expenses, including payroll costs, mortgage interest, rent, and utilities for the business. Under the applicable PPP rules and guidance, the interest and principal on the PPP loan is eligible for forgiveness if the business spent the loan proceeds on these expense items within a designated period of time and used a certain portion of the loan toward payroll expenses.

7. At all times relevant to this Indictment, Fountainhead SBF, LLC acted as a participating lender in the PPP program, and in that capacity, accepted and processed PPP loan applications.

8. At all times relevant to this Indictment, Defendant Asia McNeal (“Defendant McNeal”) maintained a bank account ending in -xx03 with Academy Bank from May until November of 2021.

9. At all times relevant to this Indictment, submission of the fraudulent PPP loan application via internet to Fountainhead SBF, LLC was completed by means of interstate wire communication.

10. At all times relevant to this Indictment, payments from Fountainhead SBF, LLC to Academy Bank were completed by means of interstate wire transfer.

11. Defendant McNeal was a resident of St. Louis, Missouri, in the Eastern District of Missouri.

COUNT I
(WIRE FRAUD: 18 U.S.C. § 1343)

THE SCHEME TO DEFRAUD

12. Paragraphs 1-11 are realleged and incorporated by reference as if fully set forth herein.

13. In or about April 2021, Defendant McNeal, with intent to defraud, knowingly and intentionally devised and executed a scheme and artifice to defraud, and obtain money and property from Fountainhead SBF, LLC, by means of materially false and fraudulent pretenses, representations and promises in that Defendant McNeal, submitted a fraudulent PPP loan application to Fountainhead SBF, LLC, by means of interstate wire communication.

MANNER AND MEANS

14. It was part of the scheme to defraud that Defendant McNeal applied for a PPP loan at Fountainhead SBF, LLC with the intent to fraudulently obtain loan proceeds by employing material falsehoods.

15. It was further part of the scheme to defraud that the defendant falsely represented in the PPP loan application that her company was in business as of February 2020.

16. It was further part of the scheme to defraud that, in fact, defendant's company was a fiction and did not exist.

17. It was further part of the scheme to defraud that the defendant falsely represented in the PPP loan application that her total gross income for 2019 was \$153,019.

18. It was further part of the scheme to defraud that Fountainhead SBF, LLC relied on the truthfulness of the defendant's representations as to her income in reaching its decision to issue the loan.

19. It was further part of the scheme to defraud, that on or about April 30, 2021, Defendant McNeal caused an interstate communication to take place during the submission of the fraudulent PPP loan.

20. It was further part of the scheme to defraud, that on May 19, 2021, another interstate communication took place when \$20,822.00 in PPP loan funds were wired from Fountainhead SBF, LLC to Defendant McNeal's account ending in -xx03 at Academy Bank.

21. On or about the date set forth below, in St. Louis, Missouri, within the Eastern District of Missouri, the Defendant,

ASIA MCNEAL,

for the purpose of executing the scheme described above, caused to be transmitted by means of wire communication in interstate commerce the signals and sounds described below:

COUNT	DATE	LOAN APPLICATION	AMOUNT
I	April 30, 2021	SBA Loan # 6468258902 Application for Asia McNeal submitted to obtain funds from Fountainhead SBF, LLC	\$20,822.00

All in violation of Title 18, United States Code, Section 1343.

FORFEITURE ALLEGATION

The Grand Jury further finds by probable cause that:

1. Pursuant to Title 18, United States Code, Sections 981(a)(1)(C) and Title 28, United States Code, Section 2461, upon conviction of offenses in violation of Title 18, United States Code, Section 1343 as set forth in Count I, Defendant Asia McNeal shall forfeit to the United States of America any property, real or personal, which constitutes or is derived from proceeds traceable to such violations. Subject to forfeiture is a sum of money equal to the total value of any property, real or personal, constituting or derived from any proceeds traceable to such violation, which is \$20,833.00.

2. If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America will be entitled to the forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p).

A TRUE BILL.

SAYLER A. FLEMING
United States Attorney

FOREPERSON

EDWARD DOWD, #61909(MO)
Assistant United States Attorney